

Remarks

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks.

Interview

At the outset, the undersigned would like to express appreciation to Examiner Snow for the time and attention extended during the personal interview of February 10, 2005. The subject matter of the pending independent claims in view of U.S. Patent Nos. 5,964,744 to Balbierz et al. ("Balbierz"); 5,681,274 to Perkins et al. ("Perkins"); and 5,141,502 to Macaluso, Jr. ("Macaluso") was discussed during the interview.

Information Disclosure Statement

As discussed during the interview, the Applicants have submitted copies of each of the references cited in the Information Disclosure Statement filed on November 24, 2003. To be clear, an Information Disclosure Statement was filed in the present case on November 24, 2003 rather than on November 24, 2004 as indicated in the Office Action. Specifically, many of the references included in the Information Disclosure Statement were cited in U.S. Patent Application No. 09/981,634 (to which the present application claims priority) and copies of the cited art were provided to the Patent Office as appropriate. Contrary to the assertion in the Office Action, copies of the references that were cited in the Information Disclosure Statement filed on November 24, 2003 and were not cited or considered in the parent application were provided to the Patent Office. Attached hereto as Exhibit A is a copy of the postcard stamped by

the Patent Office indicating that the information disclosure statement filed on November 24, 2003 included copies of several references. It is respectfully requested that the Examiner consider all of the references cited in the Information Disclosure Statement filed on November 24, 2003 and provide an indication of such consideration.

Double Patenting

Claims 42 and 43 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent Application No. 10/032,712 (now U.S. Patent No. 6,719,804). As discussed during the interview, claims 42-59 are patentably distinct from the claims of U.S. Patent Application No. U.S. Patent No. 6,719,804. Accordingly, the Applicants respectfully request that the Examiner withdraw the double patenting rejection with respect to U.S. Patent Application No. 10/032,712.

Claims 42 and 43 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,620,202 (the ‘202 reference). Based on the Applicants’ submission of the terminal disclaimer, the rejections under the judicially created doctrine of obviousness-type double patenting with respect to the ‘202 reference are rendered moot.

Claims 42-66 Are Patentable

Independent claim 42 has been amended to recite “a third section disposed between the first section and the second section, the third section generally extends along, and is substantially coaxial with, the axis.” As discussed during the interview, none of Balbierz, Perkins, or

Macaluso alone or in proper combination disclose or teach of a device as recited in independent claim 42. Accordingly, the Applicants respectfully submit that independent claim 42 and the claims that depend therefrom are patentably distinct from Balbierz, Perkins, and Macaluso.

Independent claim 59 recites “[a] medical stent comprising: an elongate member having a first retention portion, a second retention portion, and a medial portion disposed between the first retention portion and the second retention portion, the first retention portion configured to be placed in a bladder of a patient and including a substantially planar coil, the coil of the first retention portion coiling about an axis, the second retention portion being configured to be placed in a kidney of the patient and including a coil, the coil of the second retention portion being substantially perpendicular to the coil of the first retention portion, the medial portion extending along and substantially coaxial with the axis.” As discussed during the interview, none of the cited references alone or in proper combination disclose or teach of such a device. Accordingly, the Applicants respectfully submit that independent claim 59 and the claims that depend therefrom are patentably distinct from the cited references.

Independent claim 60 recites “[a] medical stent comprising: an elongate member having a first retention portion, a second retention portion, and a medial portion disposed between the first retention portion and the second retention portion, the first retention portion configured to be placed in a bladder of a patient and including a substantially planar coil, the second retention portion being configured to be placed in a kidney of the patient, the medial portion defining an axis, the axis defined by the medial portion being substantially orthogonal to the substantially planar coil of the first retention portion.” The Applicants respectfully submit that none of the cited references alone or in proper combination disclose or teach of such a device. Accordingly,

independent claim 60 and the claims that depend therefrom are patentably distinct from the cited references.

It is respectfully submitted that the present application is now in condition for allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Dated: March 21, 2005

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